

DETAILED ACTION

Acknowledgements

The Examiner acknowledges the BPAI decision mailed 05/09/2008. Currently claims 2 and 5-12 are pending for examination in this application. Additionally, the Examiner also acknowledges the specification priority paragraph filed 10/03/2008.

Allowable Subject Matter

Claims 2 and 5-12 are allowed over the prior art of record as amended in the 10/03/2008 reply.

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed device of a needle guard that is attached to a needle hub by a polyester film strip with the needle passing through longitudinally spaced apart apertures in the polyester film strip. The polyester film strip is housed in the needle guard in corrugated manner. When the needle guard is pulled over the needle, the needle moves into the housing of the needle guard and into abutment with the housing while the polyester film strip is stretched between the hub and the housing to retain the housing connected to the hub under a biasing force.

The closest prior art of record is Wemmert et al. (USPN6,234,999) and Bullard et al. (USPN5,044,774), however these references do not disclose the device as claimed or described above.

Regarding claims 2, 5 and 9, the closest prior art of record fails to teach among all the limitations or render obvious the specifics of the needle housing comprising the

washer with flexible flaps and the polyester film strip secured between a hub and the needle housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Koharski whose telephone number is 571-272-7230. The examiner can normally be reached on 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/773,538
Art Unit: 3763

Page 4

Date: 04/05/2010

/Christopher D Koharski/
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763